

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
August 26, 2021

Members and Alternates Present: Jonathan Bash, Marielle Boortz, Ken Carlson, Fred Glueck, Mark Hughes, Steve Linsley, Gabe Quinto, Tim Bancroft (alternate), Madeline Kronenberg (alternate), Peter Cloven (alternate), Heather Youngs (alternate)

Absent: Don Bristol, Jim Payne, Mark Ross, George Smith, Audrey Comeaux (represented by alternate), Sara Gurdian (represented by alternate), Labor seat #1 - Vacant

Staff: Michael Kent; Matt Kaufmann, Steve Morioka, Mike Dossey, Susan Psara, Hazardous Materials Program; Jody London, Department of Conservation and Development

Members of the Public: Jan Warren, Nancy Rieser, Maureen Brennan, Sadie Wilson

1. Call to Order: Commissioner Glueck called the meeting to order at 4:00 p.m.

Announcements and Introductions:

Michael Kent announced:

- The Treated Wood Waste alternative management standards legislation passed the Senate and has been ordered back to the Assembly for consideration.
- The ISO Ad Hoc committee of the Board of Supervisors will be meeting on August 30th at 11:00 am via Zoom.
- Interviews will be conducted for the Environmental Engineer seat and the student intern position at the September 10th meeting of the Operations committee.
- Applications for the General Public seat are due September 27th and interviews will take place at the October 8th Operations committee meeting.
- The Board of Supervisors Sustainability committee will be meeting on September 27th at 1:00 pm via Zoom.
- Commission meetings may have to start being held in-person with a call-in option starting in October if pending legislation extending the current exemption doesn't pass.

Commissioner Hughes announced that the West County Council of Business and Industry, the Richmond Chamber of Commerce and the Industrial Association are hosting a forum with Congressman Mark DeSaulnier on September 15th from 10:30 – 11:30.

2. Approval of the Minutes:

A motion was made by Commissioner Hughes and seconded by Commissioner Quinto to approve the minutes for the July 22, 2021 meeting with corrections. The motion passed 9-0.

3. Public Comments: None

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on Three (3) Incidents of Interest:
 - Chevron Refinery Oil Spill (February 9, 2021) - At the direction of Supervisors Gioia and Glover at the Industrial Safety Ordinance Ad Hoc Committee, the County will hire a third-party incident investigator to review the incident investigation conducted by Chevron Richmond Refinery for this incident. Should any gaps or questions arise from this review of Chevron's investigation that cannot be resolved, the County can always conduct its own incident investigation. A contractor has been selected to review the Chevron Incident Investigation – AcuTech. The County is in the process of establishing a contract with AcuTech.
 - Chevron Richmond Refinery Fire/Flaring Incident (May 14, 2021) - The County was notified through the Community Warning System (Level 1 Incident) of a flaring incident by the Chevron Richmond Refinery at 5:42 AM on the morning of May 14, 2021. Chevron submitted a 30-day report today (August 23rd). As noted on Chevron's 30-day report, the incident is still under investigation. Chevron is required to submit 30-day reports until the investigation is complete.
 - Dwelley Family Farms (Oakley) Anhydrous Ammonia Release - On July 29th in the afternoon, personnel at Dwelley Farms in Oakley called 911 to report an ongoing anhydrous ammonia release from a portable icemaker. CCHS HazMat Responded to this incident. The facility has a current permit from CCHS HazMat – including a Risk Management Plan in accordance with the California Accidental Release Prevention Program. Initial investigation found a failed stainless steel hose compression fitting. There were not reports of injuries to either employees or the surrounding community. The facility is conducting a full investigation of the incident.
- As previously reported, the program has one (1) open Accidental Release Prevention Engineer position. They conducted interviews of seven (7) potential applicants. They offered two (2) individuals the position; however, both candidates did not accept the position. Therefore, they will be reposting this position for another application period.
- As of September 10th, they will have four (4) open Hazardous Materials Specialist positions in our division. They anticipate the opening of this position any day now.
- As he has reported to the commission at previous meetings, they are going through a Certified Unified Program Agency evaluation by the California Environmental Protection Agency. CalEPA is in receipt of all the documents requested of their agency. They anticipate receiving the Preliminary Summary of Findings in October 2021.
- At the request of Supervisor Gioia, they will be presenting and discussing the proposed Hazardous Materials Incident Notification Policy at the Industrial Safety Ordinance/Community Warning System Ad Hoc Committee meeting scheduled for Monday, August 30th at 11:00 AM. In the past, this committee has recommended to the BOS adoption of the revised policy.
- HazMat conducted a routine inspection in 2017 of UPI located in Pittsburg on Loveridge Road near Corteva (formally DOW Chemical). Significant violations were noted in the Hazardous Materials Business Plan, Hazardous Waste Generator, Aboveground

Petroleum Storage Act, and Underground Storage Tank programs. They worked with the Contra Costa County District Attorney's Office – who pursued civil enforcement. A settlement was filed on August 17th for a total of \$4M.

- Last month, Cho Nai Cheung, Supervising Accidental Release Prevention Engineer, announced her retirement date of August 31st. Cho Nai worked for the County for over 20 years – many of those years supervising the Accidental Release Prevention and Industrial Safety Ordinance Programs. Cho Nai is recognized throughout the State of California as a subject matter expert in these programs. They will greatly miss Cho Nai's expertise – and her laughter. Not only is she a great colleague, but she is also extremely fun to be around and chat with – especially international travel! They will move forward with immediately opening the Supervisor position upon her departure. Thank you so much to Cho Nai for all her serve to the residents of our County.

5. Operations Committee Report:

The Operations Committee met on August 13, 2021. Commissioner Glueck reported that the committee reviewed upcoming open seats on the Commission including the Labor seat, the Industrial Association Business seat and the Environmental Engineer seat. The committee reviewed the summaries of the interviews with County Departments and developed recommendations to the Board of Supervisors on Sea Level Rise. Finally, the committee continued to discuss ways to follow-up the recommendations of the two previous interns to look into the promotion of lithium-ion battery recycling and pipeline safety around schools.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on August 18, 2021. The committee reviewed the summaries of the interviews with County Departments and developed recommendations to the Board of Supervisors on Sea Level Rise.

7. Old Business:

a) Receive an update on the permitting status of the NuStar facility

Michael Kent reported on information he had gathered on the permitting status of the NuStar facility in Rodeo. He noted that the Commission had requested this information at the last Commission meeting after the presentation by Ryan Graham of the Contra Costa Fire District on the investigation into the cause of the explosion at the facility on October 15, 2019. He said that he was referred to Jason Crapo in the Department of Conservation and Development about this, and was told the following:

- The Department of Conservation and Development (DCD) was part of the inspection team for the NuStar fire.

- The facility may or may not have been issued a building permit in 1991, and they are still trying to determine this.
- Generally, DCD doesn't ask facilities without a building permit to get a new one because the Building Code will have often changed since the structure was built. Instead, generally when they find a problem at a facility that has been discovered to not have a building permit, they issue a Notice of Violation with correction actions to address any shortcomings they find.
- NuStar was required to get a building permit after the fire when they made the air space in their other tanks inert, but no land use permit was required.
- They are allowing NuStar to continue to operate their other tanks because no structural problems were found contributing to the fire at the two tanks that exploded, or anything that was considered inherently unsafe.
- They will determine what permitting steps they may want to take for Nustar, and for tank farms in general, as part of the ISO review being overseen by the Board of Supervisors Ad Hoc committee on Industrial Safety.

8. New Business:

- a) Develop recommendations to the Transportation, Water and Infrastructure committee of the Board of Supervisors concerning the potential impacts of sea level rise on the storage, use and transportation of hazardous materials and hazardous waste in Contra Costa County**

The Commission began the discussion by reviewing a draft letter that had been prepared by Michael Kent based on recommendations developed by the Operations and Planning and Policy Development committees. Commissioner Glueck asked for clarification on what the Transportation, Water and Infrastructure committee will do with the Commission's recommendations. Mr. Kent said that the committee was free to do whatever they want with the recommendations, since they asked the Commission to provide them.

Jody London, the County's Sustainability Coordinator, reminded the Commission that she has asked the County for \$500,000 for climate change work from the Measure X fund this year. Marueen Brennan said that she has been focusing on building a horizontal levee in West County and funds are needed for this. She supported the letter.

The Commission discussed delaying sending the letter until the survey of potentially impacted business is complete but decided against that. Instead, they agreed to send the results of the survey to the Transportation, Water and Infrastructure committee when they are complete.

The Commission made several minor changes to the wording of the letter and added a final recommendation that a mechanism be set up to ensure the other recommendations are

implemented. Commissioner Carlson made a motion to approve the letter. Commissioner Bash seconded the motion. The motion passed 9 – 0.

9. Reports from Commissioners on Matters of Commission Interest:

Commissioner Quinto reported that he had recently attended a press conference with the Secretary of Energy about microgrids, solar power and battery storage.

10. Plan Next Agenda:

The Commission will ask to have a presentation from Phillips 66 about their conversion to biofuels, discuss the open seats on the Commission, review their priorities, and discuss the potential for meeting in person starting in October.

11. Adjournment: The meeting adjourned at 6:00 pm.